IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition No. 339 of 2006 (M/B)

Joga Singh S/o Sri Suchcha Singh,
Presently posted as Patwari Kshetra Kunwarpur,
Tehsil Sitarganj
District Udham Singh Nagar. ……. Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Home,
Dehradun.
2. Sub Divisional Magistrate
Khatima, District Udham Singh Nagar,
3. Tehsildar, Sitarganj,
District Udham Singh Nagar
4, Balwant Singh S/o Late Sri Hukam Singh,
R/o Village Nanakmata Tapera,
P.S. Nanakmata, Tehsil Sitarganj,
District Udham Singh Nagar. ……. Respondents

Mr. M.C. Pande, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.C. Pande, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondent Nos. 1 to 3. They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

> "i. issue writ, order or direction in the nature of certiorari by quashing the Notice dated 20.03.2006 (Annexure No. 18) arising out of complaints dated 25.02.2006 (Annexure No. 15) and the inquiry being conducted by the respondent no. 3 under the order of the respondent no. 2 on the said complaint.
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> ii. issue writ, order or direction in the nature of mandamus by commanding the respondent nos. 1 to 3

not to inquire or proceed further on the complaints of the respondent no. 4 and take necessary action against him for making false and baseless complaints against a public servant.

iii. issue an interim, writ order or direction by restraining the respondents nos. 1 to 3 from proceedings further with the inquiry and restraining them from harassing the petitioner in any manner, during the pendency of the writ petition.

iv. issue any other writ, order or direction which in the ends of the justice and in the circumstances of the case the Hon'ble Court may deem fit and proper.

v. award the costs of the petition."

3. The petitioner is aggrieved of the inquiry being conducted by third respondent Tehsildar, Sitarganj on the directions of second respondent Sub Divisional Magistrate, Khatima into the alleged charges levelled against the petitioner by respondent No. 4 Balwant Singh in his complaint dated 25.02.2006

4. On due consideration of the submissions of the learned counsel for the petitioner and the documents filed along with the writ petition, we do not find any good ground for quashing the inquiry pending against the petitioner. The petitioner however shall be at liberty to take the grounds taken in the writ petition while challenging the order to be passed by the authorities after the conclusion of the inquiry.

5. With the above observation, the writ petition stands disposed of.

(M.M. Ghildiyal, J.)
27.03.2006

(Rajeev Gupta, C.J.)
27.03.2006

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